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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Farrow
Serial No.: 09/902,160
Filed: July 11, 2001
For: METHODS AND DEVICES FOR SHORTENING THE CONVERGENCE
TIME OF BLIND, ADAPTIVE EQUILIZERS
Group: 2634
Examiner: Ha, Dac V.

Durham, North Carolina
June 23, 2005

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Revive an Abandoned Application
Pursuant to 37 C.F.R. § 1.137(b)

Sir:

Background Facts

On June 15, 2004, the above case was transferred by the assignee to the undersigned's firm to handle further prosecution. Docketing and follow-up for the case was mishandled by a docket clerk who has now been fired. On November 18, 2004, a non-final Office Action was apparently mailed to John E. Curtin, the former attorney of record. The Official Action was never received by the assignee, the undersigned, or his firm. A copy of this non-final Office Action was printed out on May 18, 2005 as a result of a review of the file as part of a manual file

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check of all of the firm's files. The Examiner was called to see if abandonment could be avoided as a result of non-receipt of the Official Action. He indicated by voicemail that the case was now out of his hands and a petition should be filed. Presumably, this case has now gone abandoned as a result of no response being filed and a Notice of Abandonment will be mailed in the above identified case.

Petition Discussion

37 C.F.R. § 1.137(b) provides that "Where the delay in reply was unintentional, a petition may be filed to revive an abandoned application" The present petition and the papers submitted herewith constitute a grantable petition under this Rule as discussed further below:

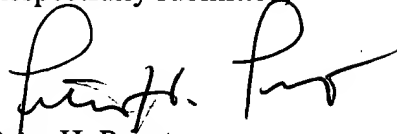
1. The required reply pursuant to 37 C.F.R. § 1.137(b)(1) is met by the filing of a response to the non-final action which is enclosed herewith.
2. Per 37 C.F.R. § 1.137(b)(2), a check in the amount of \$1,500 accompanies this petition. Additionally, the Commissioner is hereby authorized to charge any underpayment of the fee in connection with this petition or accompanying response to Deposit Account No. 50-1058. A duplicate of this page is enclosed.
3. As evidenced by the Background Facts section above, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. A file was transferred and the Official Action was never received by anyone with authority to prepare a response.

Conclusion

Should any further facts be needed, please do not hesitate to call the undersigned at the number below. Prompt revival of the abandoned application and consideration of the response are requested.

Appl. No. 09/902,160
Petition dated June 23, 2005
Reply to Office Action of November 18, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter H. Priest". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke extending to the right.

Peter H. Priest
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